

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL GRID COMMUNICATIONS, INC.,)	
)	
Plaintiff)	
)	C. A. NO. 05-30131-MAP
V.)	
)	
TOWN OF LENOX and)	
LENOX ZONING BOARD OF APPEALS,)	
)	
Defendants)	

JOINT MOTION TO CHANGE SUMMARY JUDGMENT MOTION DEADLINES

The Plaintiff, National Grid Communications, Inc., and the Defendants, Town of Lenox and Lenox Zoning Board of Appeals, jointly move that this Honorable Court change the date upon which Plaintiff's Motion for Summary Judgment is due to be filed from July 31 to August 14, 2006, and change the date upon which Defendants may file their opposition and any cross motions for summary judgment to September 28, 2006.

As grounds therefor, the parties state the following:

1. The parties have been engaged in serious settlement discussions during the past several weeks, which have resulted in the identification of a possible settlement location for a proposed wireless telecommunications facility. At Defendants' request, as a part of the settlement discussions, Plaintiff conducted a balloon test at the possible settlement location, after publishing notice of the balloon test in the local newspaper. The parties have since received communication from an interested abutter, and continue to discuss the settlement possibilities.

2. The requested two-week extension of the summary judgment motion filing deadlines will allow the settlement discussions to continue to their conclusion. The requested extension may thus allow the parties and this Court to avoid the unnecessary expenditure of time and other resources if the discussions result in a settlement, but will not unduly delay the resolution of this case if the discussions do not resolve this case.

3. The parties have completed their discovery and expert disclosures, and have completed their expert depositions.

Respectfully submitted,

NATIONAL GRID
COMMUNICATIONS, INC.,

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TOWN OF LENOX and LENOX
ZONING BOARD OF APPEALS,

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Dated: July 27, 2006